

REMARKS/ARGUMENTS

Applicant appreciates the Examiner's review of the present application, and respectfully requests reconsideration in light of the foregoing amendments and the following remarks and argument.

All the amendments in the claims are supported by the original specification and drawings. No new matter has been introduced by the amendments.

Claim Objections

Examiner objected to claims 34, 35, 39, and 40 because they are limited to light (claims 34 and 39) or sound (claims 35 and 40) for the warning while their respective base claims (claim 27 and claim 36) recite "sounds or signals" for the warning. Applicant respectfully disagrees with the objection. It is common and accepted practice to recite a limitation in alternatives (i.e. A or B) in the base claim and specify a particular alternative for the limitation in the dependent claims. However, Examiner's comment that the word "signal" is broad enough to cover any kind of signals (sound, light, vibration, etc.) is well taken, and claims 27 and 36 are amended accordingly by replacing "sounds or signals" with "a warning signal" and claims 34, 35, 39, and 40 are amended to clarify the limitations. Examiner's reconsideration and withdrawal of this objection is respectfully requested.

In claim 44, "non-mental" is changed to "non-metal" and a few minor typos are corrected; the element "a protection device" is deleted because it is not required as illustrated in Figs. 6 and 6A. Claim 44 is also amended per the Examiner's suggestion to clarify that the user should respond to the warning signal by placing the metal or magnetic material into the electromagnetic wave proof device. Since the limitations in

claim 44 will be carried over to claim 45, which is dependent from claim 44, redundant recitation in the original claim 45 is deleted for clarity. Claims 44 and claim 45 should remain allowed as indicated by the Examiner.

Claim Rejections - 35 USC § 112

Claims 36-43 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. Specifically, the Examiner cited claim 36 and noted that it is unclear what the “security” of the detected material is and how its “security” is detected.

In response, Applicant has amended the claim by deleting the phrase “determine security of detected material” and replacing it with the phrase “judge the existence of metal or magnetic material” in order to clarify that the micro-processor compares the sensor signal to its database and determines whether metal or magnetic materials exist. As revealed in the Specification, it is the presence of metal or magnetic materials which poses a threat to medical personnel. Indeed, a main object of the invention is to detect the presence of metal or magnetic material, warn medical personnel of its presence, and institute protective measures. Consequently, the determination by the micro-processor that metal or magnetic materials are present by comparing the signal received from the sensor with a database is simultaneously a determination of whether or not there is a present danger to the operator. As noted in the Specification, this could be a scalpel, a needle, or even metal objects left behind in a patient’s body after surgery before the incision is closed.

It is respectfully submitted that by so amending claim 36 the indefiniteness noted by the Examiner is removed and claim 36 as amended should be allowable; claims 37~43, which are dependent from claim 36, should also be allowable, as pointed out by the Examiner under point 8 in the “Allowable Subject Matter” section of this office action.

Claim Rejections - 35 USC §102(e)

In the present office action, claims 27, 34, 35 and 52 are rejected under 35 USC §102(e) as being anticipated by Dils et al. (US 2004/0194594).

Claim 27 is amended to limit the sensor to one that is *installable on an operating glove*. The amendment has support in Fig. 4 and the description of Fig. 4 in the Specification. Dils does not teach a sensor installable on an operating glove to be worn by the medical staff during operations. Nor are such metal/magnetic material detecting sensors installable on an operating glove known to exist in medical practice. Therefore, this amendment should overcome the 102(e) rejection and claim 27 should be patentable. As a result, claims 28~33 should also be patentable as being dependent from a patentable claim.

The issues raised by the Examiner about claims 34 and 35 have already been addressed in the foregoing amendments and remarks. Therefore, they should both be patentable now.

The examiner rejects claim 52, citing that the sensor in Dils is a capacitive sensor whose resistance values vary with respect to the distance between the metal or magnetic material and the sensor. The applicant respectfully disagrees with the rejection and particularly the ground for the rejection. Claim 52 is a multiple dependent claim that refers back to independent claims 27, 36 and 44. Claim 52 should not be rejected simply

because the added limitation in the claim was disclosed by Dils without regard to all the limitations of each of the three base claims incorporated by reference to the claim. See 37 CFR §1.75(c). Since all its base claims (i.e. claim 44) are now allowable, claim 52 should also be allowable. Admittedly, claim 52 in its original form may be objected to because it does not refer back *in the alternative* to the three base claims or because it depends from a rejected base claim (27 or 36). However, in this paper, claim 52 is amended so that it refers back in the alternative to the three base claims; a clearly missing word “material” is also added. Besides, claims 27 and 36 as amended should also be allowed in view of the foregoing amendments and arguments. Therefore, it is respectfully requested that the rejection to claim 52 be reconsidered and withdrawn.

Allowable Subject Matter

According to the Examiner, claims 28~33 would be allowable if rewritten in independent form to include all of the limitations of the rejected base claim (claim 27) and any intervening claims. However, claim 27 has been amended so that claims 28~33 are now allowable along with claim 27.

In view of the foregoing amendments, the rejection to claims 36~43 under 35 USC §112, 2nd paragraph, set forth in the office action have been overcome. Therefore, claims 36~43 should now be allowable.

Claims 44~51 are allowed.

Conclusion

In view of the foregoing, Applicant respectfully requests that the Examiner reconsider the objections and rejections and allow all the remaining claims of this application.

Respectfully Submitted:

Date 05/14/2008

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